



CNIB Foundation comments to the Canadian Transportation Agency

Requests by transportation service providers for further delay to the coming-into-force of certain provisions of the Accessible Transportation for Persons with Disabilities Regulations (ATPDR)

The CNIB Foundation would like to thank the CTA for providing another opportunity to share our recommendations regarding Accessible Transportation for Persons with Disabilities Regulations (ATPDR). Specifically, the matter regarding further delays of the ATPDR coming into force.

CNIB Foundation believes further delays are not only unnecessary but are not in the best interest of Canada's transportation system as our country moves towards a fully accessible federally regulated system.

While the COVID-19 pandemic has devastated the profitability of every sector of Canada's economy, including domestic and international travel, CNIB Foundation recommends that the rights of travellers who are blind or partially sighted should not hinge on the prosperity of transportation services providers (TSPs).

Provisions within the ATPDR have been longstanding codes of practice for TSPs; the regulations are not news to TSPs. The CTA has already granted TSPs with one extension – a continued delay of the ATPDR is unjustified and continues to promote and perpetuate barriers for Canadians with disabilities looking to use Canada's federally regulated transportation network. CNIB Foundation is calling for leadership from the CTA in upholding the coming into force date of the ATPDR, which has provided ample time for TSPs to comply.

Proposed coming into force delays

Section 9 – website requirements

“9 A transportation service provider must ensure that every website that it owns, operates or controls and that is made available to the public — including any mobile site that contains other platforms, such as applications — meets the requirements for a Level AA conformance that are set out in the Web Content Accessibility Guidelines.”

Transportation service provider websites remain inaccessible to Canadians who are blind or partially sighted who rely on screen reading and screen magnification software. These companies have been well-aware of the expectations to bring their digital platforms into compliance for several years; as such, CNIB Foundation recommends the CTA not grant another six month extension to TSPs whose websites remain unusable for users of assistive technology.

Transportation service providers have been aware of accessibility barriers on their websites for years and should have been actively seeking to create a fully accessible experience for all customers and users of assistive technology long before the start of the COVID-19 pandemic. Websites and digital platforms undergo continuous development and updates and if TSPs had considered making their platforms accessible before the COVID-19 pandemic, accessibility and usability would have been embedded into any systems upgrades and migrations regardless of the pandemic status.

Subsection 10 – Public announcements inside terminals

“10 (1) A carrier must ensure that any public announcement relating to a departure or a gate or track assignment that is made for passengers waiting at a boarding area inside a terminal is made in an audio format and in a visual format.

Public announcement — safety or security

(2) If a transportation service provider makes any public announcement relating to safety or security inside a terminal, they must make that announcement in an audio and visual format.”

Transportation service providers have reduced the amount of staff as passenger rates continue to drop due to COVID-19. Passengers with sight loss may not be able to

receive timely assistance in terminals as service providers have ground assistance personnel or ground assistance personnel are doing multiple jobs.

Providing audible and visual announcements will ensure that people with disabilities will be aware of any changes to their scheduled transportation times and can take steps to ensure their accessibility needs are met. In the context of the pandemic, precautions need to be made to ensure that the further marginalization of people who are blind does not take place because of inaccessible service announcements. Ensuring timely and accessible announcements will not create an undue hardship for transportation service providers.

Sections 15 to 23 – training requirements

“15 A transportation service provider must ensure that members of personnel receive the training that is required under sections 16 to 19.”

CNIB Foundation has long been recommending personnel training as the most effective tool for transportation service providers to mitigate barriers for passengers with disabilities. Offering sighted guide throughout terminals or offering onboard assistance are two examples where interaction between trained personnel and passengers can be particularly effective in ensuring the needs of travelers are met.

Instead of using the COVID-19 pandemic to pause training for staff, CNIB Foundation recommends that TSPs use the pandemic to meet and exceed training requirements. TSPs continue to offer services throughout the pandemic that require temporary practices, policies, and procedures that require staff training on new protocols. CNIB Foundation recommends TSPs prepare these new protocols with a disability lens – this will mean considerations for travelers with disabilities are baked into ongoing staff training as COVID-19 policies and procedures evolve. If these are developed without a disability lens then, it follows that travelers with disabilities will likely face barriers due to inadequate training of staff.

Further, CNIB Foundation recommends policies and procedures be developed by organizations who are well informed as to the challenges facing marginalized travelers. For this reason, CNIB believes that the provisions outlined in sections 15 through 23 must come into force as outlined in the ATPDR. The current pandemic has highlighted that consultation and feedback processes can continue by virtual means.

TSPs can make concerted efforts to host townhalls, focus groups and develop and share feedback surveys to consult widely. Accessibility considerations should be considered such as providing consultation documents in alternate format materials and/or available for individuals without access to internet such as by a toll-free number.

Section 58 – Written Confirmation of Services

“58 If a carrier is required by this Part to provide a service to a person with a disability, the carrier must, without delay, indicate in the record of a person’s travel reservation the services that the carrier will provide to the person and include a written confirmation of the services in the itinerary that is issued to the person and, if a service is confirmed only after the itinerary is issued, the carrier must, without delay, provide a written confirmation of the service.”

CNIB does not support providing an extension on this requirement coming into force. The dynamic nature brought about by the pandemic would mean that information regarding accommodation information is more important now than ever. With strict protocols in force at Canadian terminals and reduced staffing, travelers with disabilities need timely accessible information regarding their journey. Travel documents must be readily available and TSPs must continue to be expected to outline provisions and travel restrictions brought about by the pandemic so that persons with disabilities can be adequately prepared.

Section 59 – Retention of Electronic Copies

“59 If, on the request of a carrier, a person with a disability provides the carrier with information, including personal health information, in relation to a request for a service referred to in this Part, the carrier must offer to retain an electronic copy of that information for a period of at least three years for the purpose of permitting the carrier to use that information if the person makes another request for a service.”

CNIB Foundation was pleased to see that section 59 was introduced in the ATPDR. The need to repeatedly provide the same information to TSPs when traveling is neither efficient for the traveler or the TSP. CNIB Foundation has recommended in prior

consultations that customer loyalty programs have been a long-standing practice within Canada's transportation sector. Given that customer loyalty programs are well established, a TSPs ability to modify these systems so that appropriate medical information is securely stored so travelers do not have to provide it every time.

Section 216 – Curbside Assistance

“216 (1) A terminal operator must, on the request of a person with a disability, provide the following services to the person without delay:

- (a)** assisting the person with their baggage or assisting with a wheelchair, including by providing a wheelchair if needed by the person;
- (b)** assisting the person to proceed between the general public area and the curbside zone; and
- (c)** assisting the person to proceed between the curbside zone and the check-in area or, if there is no check-in area, between the curbside zone and a representative of a carrier.”

While the amount of terminal personnel has declined during the COVID-19 pandemic, so too have the number of travelers. CNIB Foundation recommends this provision not be delayed for another six months.

CNIB Foundation has published documentation and instructional videos on how to offer adequate support while exercising safe physical distancing protocols. These materials can be found on the CNIB’s website¹.

Subsections 227(1), (2) and (3) – Provisions related to designated relief areas on the non-secure side of terminals

“227 (1) A designated area for service dogs to relieve themselves must

- (a)** be identified by tactile and Braille signage; and
- (b)** be cleaned and maintained on a regular basis”

¹ COVID-19 and Accessibility Recommendations: <https://cnib.ca/en/sight-loss-info/virtual-program-offerings-covid-19-resources/covid-19-economic-recovery-and?region=gta>

Under the ATPDR, TSPs who operate terminals are not expected to retrofit their facilities. As CNIB Foundation understands the regulations, terminal operators are expected to ensure that new facilities or facilities undergoing major renovations adopt the provisions specified under section 227 of the ATPDR. CNIB Foundation supports this provision given that resources to undertake specific infrastructure investments at this time are likely feasible.

However, if terminal or facility renovations are being contemplated, then TSPs must be expected to comply with the provisions without delay. The one constant within Canada's transportation system has been construction at leading Canadian terminals. CNIB Foundation has been consistently disappointed to discover that large scale renovations continue to be absent of accessibility considerations. Now that the ATPDR have come into force, further delaying section 227 would prolong the rights of persons accompanied by a guide or service dog to receive adequate accommodation at Canadian terminals.

Conclusion

COVID-19 has had a profound effect on Canadian travelers and transportation service providers. CNIB Foundation recommends the ATPDR come into force on the proposed date without extension so travelers with disabilities are not expected to forego their right to accessible transportation once the country reopens.

TSPs must be expected to adhere to the regulations unless they are able to demonstrate publicly that doing so would create an undue barrier.

Prepared by: Lui Greco
Manager, Public Affairs and Advocacy
The CNIB Foundation

